

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JAVAD NOKTEHDAN, SP 2015-MA-149 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit. Located at 7814 Libeau Ln., Annandale, 22003, on approx. 34,282 sq. ft. of land zoned R-2. Mason District. Tax Map 59-2 ((1)) 36. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 10, 2016; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
3. This meets the criteria of an accessory dwelling unit in an existing house.
4. With the imposition of the development conditions, any impact would be satisfactorily mitigated.
5. It is a large lot. There is room in the driveway to park.
6. The issues which provoked the complaint and the violation were unrelated, but contemporaneous with the problem. Those issues have been resolved.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant, Javad Noktehdan, only, and is not transferable without further action of this Board, and is for the location indicated on the application, 7814 Libeau Lane, and is not transferable to other land.

3. This special permit is granted only for the purposes and/or uses indicated on the plat titled, "Plat Showing the Improvements on the Property of Javad Noktehdan and Taghi Noktehdan," prepared by George M. O'Quinn, L.S., dated July 21, 2015, as revised through October 28, 2015, as submitted with this application and is not transferable to other land.
4. A copy of this special permit shall be made available to all departments of the County of Fairfax, upon request.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 1,317 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
9. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory unit shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
10. All applicable trade permits and final inspections for the finished basement and second kitchen shall be obtained within thirty (30) days of BZA approval.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning JAVAD

Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 6-0. Chairman Ribble was not present for the vote.

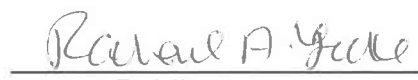
A Copy Teste:

  
Lorraine A. Giovinazzo  
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 15th day of  
February, 2016.

  
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Notary Public

My commission expires: 6/30/2019



RECEIVED  
Department of Planning & Zoning  
JUN 18 2015  
Zoning Evaluation Division

